

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

AR BUTUS BIOPHARMA CORPORATION )  
and GENEVANT SCIENCES GmbH, )  
Plaintiffs, ) C.A. No. 22-252 (MSG)  
v. )  
MODERNA, INC. and MODERNATX, INC. )  
Defendants. )

**JOINT MOTION AND [PROPOSED] ORDER TO SEAL  
PORTIONS OF MODERNA'S OPPOSITION TO PLAINTIFFS' MOTION TO COMPEL  
AND EXHIBITS (D.I. 196)**

Pursuant to the Protective Order (D.I. 91) as modified by the Court's November 14, 2023 Order (D.I. 155), the parties jointly move this Court for an order granting leave to file partially redacted versions of Moderna's Opposition to Plaintiffs' Motion to Compel (D.I. 196) ("Moderna's Opposition") and Exhibits C, F, G, H, K, M and N thereto (collectively, the "Confidential Materials").

The parties' joint motion to seal and supporting papers redact the parties' confidential information. The Confidential Materials either include, or reference and/or quote, the parties' sensitive and confidential information. The grounds for the motion are set forth in the parties' joint brief in support of this motion, as well as the declarations of Peter Wojciechowski, Dan Staner, and Pete Zorn attached thereto. Redacted versions of the exhibits will be filed separately on the docket.

WHEREFORE, the parties respectfully request that the Court grant the parties' joint motion and enter the enclosed order permitting the parties to file redacted versions of the above documents.

SHAW KELLER LLP

*/s/ Nathan R. Hoeschen*

---

John W. Shaw (#3362)  
Karen E. Keller (#4489)  
Nathan R. Hoeschen (#6232)  
Emily S. DiBenedetto (#6779)  
I.M. Pei Building  
1105 North Market Street, 12th Floor  
Wilmington, DE 19801  
(302) 298-0700  
jshaw@shawkeller.com  
kkeller@shawkeller.com  
nhoeschen@shawkeller.com  
edibenedetto@shawkeller.com  
*Attorney for Plaintiffs*

OF COUNSEL:

David I. Berl  
Adam D. Harber  
Thomas S. Fletcher  
Jessica Palmer Ryen  
Shaun P. Mahaffy  
Jihad J. Komis  
Anthony H. Sheh  
Matthew W. Lachman  
Philip N. Haunschild  
WILLIAMS & CONNOLLY LLP  
680 Maine Avenue S.W.  
Washington, DC 20024  
(202) 434-5000

*Attorneys for Plaintiff Genevant Sciences GmbH*

Daralyn J. Durie  
Adam R. Brausa  
Eric C. Wiener  
Annie A. Lee  
Shaelyn K. Dawson  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, CA 94105-2482  
(415) 268-6080

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Travis J. Murray*

---

Jack B. Blumenfeld (#1014)  
Brian P. Egan (#6227)  
Travis J. Murray (#6882)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
jblumenfeld@morrisnichols.com  
began@morrisnichols.com  
tmurray@morrisnichols.com

*Attorneys for Defendants*

OF COUNSEL:

Patricia A. Carson, Ph.D.  
Jeanna M. Wacker, P.C.  
Mark C. McLennan  
Yan-Xin Li  
Caitlin Dean  
Nancy Kaye Horstman  
Shaoyao Yu  
KIRKLAND & ELLIS LLP  
601 Lexington Avenue  
New York, NY 10022  
(212) 446-4800

Alina Afinogenova  
KIRKLAND & ELLIS LLP  
200 Clarendon Street  
Boston, MA 02116  
(617) 385-7500

Kira A. Davis  
MORRISON & FOERSTER LLP  
707 Wilshire Boulevard  
Los Angeles, CA 90017-3543  
(213) 892-5200

David N. Tan  
MORRISON & FOERSTER LLP  
2100 L Street, NW, Suite 900  
Washington, DC 20037  
(202) 887-1500

*Attorneys for Plaintiff Arbutus  
Biopharma Corporation*

January 25, 2024

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

AR BUTUS BIOPHARMA CORPORATION )  
and GENEVANT SCIENCES GmbH, )  
Plaintiffs, ) C.A. No. 22-252 (MSG)  
v. )  
MODERNA, INC. and MODERNATX, INC. )  
Defendants. )

**[PROPOSED] ORDER**

The Court, having considered the parties' Joint Motion to Seal (the "Motion"), IT IS  
HEREBY ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2024 that the Motion is GRANTED.

Leave is given for Moderna to file Moderna's Opposition (D.I. 196) and Exhibits C, F, G,  
H, K, M, and N in redacted form.

---

United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on January 25, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on January 25, 2024, upon the following in the manner indicated:

John W. Shaw, Esquire  
Karen E. Keller, Esquire  
Nathan R. Hoeschen, Esquire  
Emily S. DiBenedetto, Esquire  
SHAW KELLER LLP  
I.M. Pei Building  
1105 North Market Street, 12th Floor  
Wilmington, DE 19801  
*Attorneys for Plaintiffs Arbutus Biopharma Corporation and Genevant Sciences GmbH*

*VIA ELECTRONIC MAIL*

Daralyn J. Durie, Esquire  
Adam R. Brausa, Esquire  
Eric C. Wiener, Esquire  
Annie A. Lee, Esquire  
Shaelyn K. Dawson, Esquire  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, CA 94105-2482  
*Attorneys for Plaintiff Arbutus Biopharma Corporation*

*VIA ELECTRONIC MAIL*

Kira A. Davis, Esquire  
MORRISON & FOERSTER LLP  
707 Wilshire Boulevard  
Los Angeles, CA 90017-3543  
*Attorneys for Plaintiff Arbutus Biopharma Corporation*

*VIA ELECTRONIC MAIL*

David N. Tan, Esquire  
MORRISON & FOERSTER LLP  
2100 L Street, NW, Suite 900  
Washington, DC 20037  
*Attorneys for Plaintiff Arbutus Biopharma Corporation*

*VIA ELECTRONIC MAIL*

David I. Berl, Esquire  
Adam D. Harber, Esquire  
Thomas S. Fletcher, Esquire  
Jessica Palmer Ryen, Esquire  
Shaun P. Mahaffy, Esquire  
Anthony H. Sheh, Esquire  
Philip N. Haunschild, Esquire  
Jihad J. Komis, Esquire  
Matthew W. Lachman, Esquire  
WILLIAMS & CONNOLLY LLP  
680 Maine Avenue S.W.  
Washington, DC 20024  
*Attorneys for Plaintiff Genevant Sciences GmbH*

*VIA ELECTRONIC MAIL*

*/s/ Travis J. Murray*

---

Travis J. Murray (#6882)